

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TEAM RUBICON GLOBAL, LTD., a Delaware Corporation

Plaintiff,

V.

TEAM RUBICON, INC., a Minnesota Corporation

Defendant,

TEAM RUBICON, INC., a Minnesota Corporation

Counterclaim Plaintiff,

V.

TEAM RUBICON GLOBAL, LTD., a Delaware Corporation

Counterclaim Defendant.

Civ. No. 20-cv-2537 (LTS) (KNF)

DECLARATION OF JACOB WOOD

JACOB WOOD, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am over the age of 18 years old, and reside in Los Angeles, CA. I am the co-founder and CEO of Team Rubicon, Inc. (“Team Rubicon”), the defendant and counterclaim plaintiff in this action. Prior to founding Team Rubicon, I was a Sergeant in the United States Marine Corps. and was deployed in both Afghanistan and Iraq. I submit this declaration in connection with Team Rubicon’s Motion for Leave to Supplement, or in the Alternative, Amend its Answer and Counterclaims with Additional Facts and Claims. I have personal knowledge of the facts set forth in this declaration and am competent to testify to such facts if called as a witness.

2. Since I co-founded Team Rubicon in January 2010, one of the organization's core missions has been to cultivate and foster a unique network—comprised of U.S. Veteran volunteers and their civilian counterparts, institutional and individual donors, and business partners—to enable Team Rubicon to have the resources and support it needs to respond efficiently and effectively to any crisis facing a community in need. Team Rubicon has succeeded in that mission, and is currently one of the country's preeminent disaster relief organizations, due in large part to the relationships Team Rubicon has cultivated and maintained with its sponsors, donors, volunteers, and partners since its founding. Over the last decade, Team Rubicon has dedicated significant resources to develop relationships with over one hundred thousand volunteers, donors, sponsors, and other subscribers.

3. Team Rubicon keeps a confidential list of donor, volunteer, and sponsor names and contact information that comprises its general network of resources (“the Donor and Member List”). This list is crucial to Team Rubicon's ability to carry out its services, and is used for all aspects of Team Rubicon's operations, including outreach, fundraising, organizing, sponsorship, activism, and partnership. As a result, Team Rubicon treats this Donor and Member list as strictly confidential, and it is not shared outside of the organization.

4. On July 31, 2020, I learned that TRG sent a mass distribution email on behalf of “the Board of Directors of Team Rubicon Global” to various third parties purporting to provide details of the status of the present litigation. The email uses Team Rubicon's intellectual property assets (“TR Marks”) and was distributed to various recipients at least within the United States and Canada. It presents a false and materially misleading account of the status of the litigation, which has the clear effect of harming Team Rubicon and the Team Rubicon marks. A true and correct copy of that July 31, 2020 email is attached hereto as **Exhibit A**.

5. Immediately after the email was sent by TRG, I began receiving messages and outreach from many of Team Rubicon's partners and donors informing me that they had received the email, unsolicited from TRG, even though they had never provided any contact information to TRG at any point in time. These donors and partners did not consent to receiving such emails from TRG, and never requested to be added to a TRG newsletter distribution list. These individuals had provided this information to Team Rubicon. Many of the messages I received from donors and partners also expressed confusion with respect to TRG's claims within the email, and TRG's current relationship to Team Rubicon. At least one donor stated he would be withdrawing his support for Team Rubicon because of TRG's unsolicited correspondence. This confusion is enhanced by TRG's continued wrongful use of the TR Marks.

6. TRG also sent its mass distribution email to the personal email accounts of several Team Rubicon staff, officers, and directors. These personal email addresses were never provided to TRG, and these individuals never consented to having TRG send emails to their personal email accounts. I have received several emails from Team Rubicon staff, officers and directors informing me of such issues. A true and correct copy of two such emails are attached as **Exhibit B** and **Exhibit C**. In at least one case, a staff member even informed me that TRG sent members of his family its newsletter, and that the newsletter was sent to those family member's personal email addresses. A true and correct copy of that email is attached as **Exhibit D**.

7. Team Rubicon immediately became concerned that its Member and Donor List had been improperly accessed, particularly because I am unaware of any way TRG could have obtained such email addresses through proper means. As a result, Team Rubicon launched an

investigation into TRG's July 31 Email to determine whether TRG had obtained email addresses kept on Team Rubicon's secret Donor and Member List.

8. During the course of the investigation, in December 2020, former employees of TRG admitted to Team Rubicon that they were involved in distributing the July 31 Email, and explained that around the time that the TRG sent the July 31 Email, TRG's email distribution list more than tripled overnight. The employees also confirmed that TRG leadership was aware that these new email addresses had been improperly obtained from Team Rubicon.

9. Team Rubicon also creates and maintains certain "dummy" email addresses used to test its internal systems, which are kept in the same encrypted database as the Donor and Member List. Team Rubicon uses the "dummy" email addresses to create test accounts for Team Rubicon information technology systems. The dummy email addresses are clearly demarcated from the genuine email addresses and often incorporate the word "testing" into the address, for example, a "dummy" email address may appear as Jane.Doe+testing6@teamrubiconusa.org. These addresses do not exist outside of Team Rubicon's own servers. These "dummy" email addresses are not provided to third parties, are not used in any correspondence, and were never provided to TRG. There is no legitimate reason for TRG to have such email addresses in a newsletter distribution list, and I am unaware of any way TRG could have obtained such email addresses through proper means. Yet, during the investigation, Team Rubicon determined that the July 31 Email had been sent to Team Rubicon's dummy accounts.

10. Also in December 2020, as part of my attempts to reclaim the domain names incorporating the TR Marks, including *teamrubiconaustralia.org*, *teamrubiconaus.org*, *teamrubiconaustralia.com*, *teamrubiconnor.org*, *teamrubiconnorway.org*, and *teamrubicon.no*, I researched the ownership of these domains on a publicly available website. When I searched

these domain names, I learned that at least three such domain names—*teamrubiconaustralia.org*, *teamrubiconnor.org*, and *teamrubiconnorway.org*—were transferred from TRG to TR-NOR on November 7, 2020. Attached hereto as **Exhibits E-G** are copies of the publicly available domain records. The date of transfer was notable to me for several reasons. *First*, four days before the date of the transfer of these domain names, the Second Circuit affirmed the District Court’s preliminary injunction against TRG’s use of the TR Marks. *Second*, two days after transferring these domain names, TRG approached Team Rubicon regarding settlement. TRG has since used the transfer of these domain names to TR-NOR as an excuse for refusing to return these domain names to Team Rubicon, despite its knowledge that such transfers were improper under the MTLA and prohibited by the PI Order.

11. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of February, 2021 in Redondo Beach, California.



JACOB WOOD
Team Rubicon, Inc.